

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 ROBERT A. SLOVAK,

5 Plaintiff,

6 v.

7 GOLF COURSE VILLAS HOMEOWNERS
8 ASSOCIATION, *et al.*,

9 Defendants.
10

3:13-cv-00569-MMD-CBC

ORDER

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12 Plaintiff Robert A. Slovak ("Slovak") filed this lawsuit in 2013 seeking quiet title
13 and declaratory relief related to a condominium properly located in Incline Village,
14 Nevada. After several years of litigation, a settlement was reached between the Wells
15 Fargo and Slovak in June 2014. Pursuant to the terms of the agreement, Mr. Slovak
16 agreed to pay Wells Fargo \$280,000. In return, Wells Fargo agreed to provide Mr.
17 Slovak with the deed of trust, the note, and to reconvey the property to him. To date,
18 over five years later, the terms of that settlement agreement have yet to be
19 consummated. The primary contention between the parties remains the issue of whether
20 the documents tendered by Wells Fargo, are, in fact, the original note and deed of trust
21 required to be delivered pursuant to the terms of the parties' agreement. However, given
22 the significant time that has elapsed between when the parties entered into the
23 settlement agreement and today, it is unclear whether the parties can finalize the terms
24 of that agreement in the event the court orders them to do so.

25 Wells Fargo has tendered documents that it asserts are the original documents.
26 Therefore, Wells Fargo has established that it is ready, willing and able to finalize the
27 terms of the settlement agreement upon an order of the court to do so. The same cannot
28 be said of Mr. Slovak.

1 Therefore, prior to re-scheduling the previously vacated bifurcated hearing
2 related to whether the documents tendered by Wells Fargo are the "originals" or
3 considering **any** further litigation related to enforcement of the parties' settlement
4 agreement, the again court orders Mr. Slovak to deposit \$280,000 with the Clerk of Court
5 within sixty (60) days of this order to establish that he is ready, willing and able to finalize
6 the terms of the parties' settlement agreement. These funds will be deposited into an
7 interest-bearing account and will be held until a resolution is reached on the issues
8 surrounding the originality of the documents in question and whether the settlement will
9 be enforced. Upon receipt of proof that Mr. Slovak has deposited the funds as ordered or
10 the filing of a document by Mr. Slovak stating that cannot comply with the court's order,
11 the court will set a status conference with the parties to determine the next steps in this
12 litigation.

13 **IT IS THEREFORE ORDERED** that Mr. Slovak deposit \$280,000 with the Clerk of
14 Court, to be deposited in an interest-bearing account, within sixty (60) days of the date of
15 this order.

16 **DATED:** March 2, 2020.

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UNITED STATES MAGISTRATE JUDGE